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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,828	12/27/2006	Kenneth Walsh	701586-54555	3689
7590 Ronald I Eisenstein Nixon Peabody 100 Summer Street Boston, MA 02110	07/11/2008	<b>RECEIVED</b> JUL 14 2008 <b>NIXON PEABODY LLP</b>	EXAMINER HOWARD, ZACHARY C	
			ART UNIT 1646	PAPER NUMBER
			MAIL DATE 07/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**COPY****Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)
10/574,828	WALSH ET AL.
Examiner	Art Unit
ZACHARY C. HOWARD	1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on **23 April 2008** is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/E. Kemmerer/  
Pr. Exmr., AU 1646

Legal Instruments Examiner (LIE), if applicable

Telephone No. \_\_\_\_\_

**COPY**

Application No.  
Part of Paper No. 20080703

**Continuation Sheet (PTOL-324)**  
U.S. Patent and Trademark Office  
PTOL-324 (01-06)

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

Continuation of 4(e) Other:

The Listing of Claims filed on 4/23/08 is not consistent with the immediate prior version of the Listing of Claims filed on 4/6/2006.

Specifically, in the 4/6/06 claims, claim 20 was cancelled and new claims 21-24 were added. These amendments were noted to have been entered on page 1 of the restriction requirement mailed on 1/23/08.

However, in the 4/23/08 claims, claim 20 is not cancelled, but instead is incorrectly listed as "Previously Presented" and has the text of claim 21 as presented on 4/6/06.

Furthermore, claims 21-23 are each listed as "Previously Presented", but do not have the correct claim text previously presented on 4/6/06; instead these claims appear to have the text of claims 22-24 (respectively) from the 4/6/06 claims.

Furthermore, there is no claim 24 in the 4/23/08 claims.

Appropriate correction is required.